

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WILLIAM ROY WELCH, INDIVIDUALLY §
AND JARROD SOWELL, INDIVIDUALLY, §
AND AS NEXT FRIEND OF §
JADEN SOWELL, A MINOR §

Plaintiffs

vs.

DOREL JUVENILE GROUP, INC.; §
AND THE ESTATE OF §
JANELLE SOWELL, DECEASED §

Defendants

Civil Action No. 2-09CV-018

PLAINTIFFS' SECOND AMENDED ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW William Roy Welch, Individually; Jarrod Sowell, Individually, and As Next Friend of Jaden Sowell, a Minor, hereinafter referred to as Plaintiffs, complaining of Dorel Juvenile Group, Inc.; and The Estate of Janelle Sowell, Deceased, referred to as Defendants, and for cause of action, would respectfully show the Court the following.

I - PARTIES

Plaintiff, William Roy Welch, Individually, resides in Joaquin, Texas, Shelby County, Texas.

Plaintiff, Jarrod Sowell, Individually, and As Next Friend of Jaden Sowell, a Minor, is an individual who resides in Rayville, Louisiana.

Defendant, Dorel Juvenile Group, is a Massachusetts corporation doing business in the State of Texas who has already been served with process and filed its answer in this cause.

Defendant, The Estate of Janelle Sowell, Deceased, is a resident of Louisiana who may be served with process by Plaintiffs' private process server.

II - FACTS

On or about January 14, 2007, Defendant Janelle Sowell, was driving on SH 7 in Shelby County, Texas. Jaden Sowell, a minor, was accompanying Defendant Janelle Sowell, on said date and was restrained in a Cosco child safety seat manufactured, marketed, distributed and sold by Defendant Dorel Juvenile Group, Inc. On said occasion, Defendant Janelle Sowell's vehicle impacted Plaintiff William Roy Welch's vehicle causing Plaintiff William Roy Welch severe and permanent injuries and damages. Defendant Janelle Sowell committed acts and omissions constituting negligence which became a proximate cause of the injuries of Jaden Sowell, a minor, and William Roy Welch, and of Plaintiffs' damages. At the time of the motor vehicle accident, the subject of this litigation, said child safety seat was not crashworthy as that term is understood at law and as a result, Jaden Sowell, a minor, was severely and permanently injured. The Cosco child safety seat and the parts attached thereto or that functioned therewith, including but not limited to the warning labels and the seatbelt restraint mechanism were defective and unreasonably dangerous as designed, and marketed; said Cosco child safety seat and said parts reached the ultimate consumer/user Jaden Sowell, a Minor, without any substantial change in their condition while being carried through the stream of commerce and this defective and unreasonably dangerous child seat as well as the parts attached thereto became the producing and proximate cause of Jaden Sowell's permanent injuries and of Plaintiffs' damages, all of which will be more specifically pleaded after the completion of necessary discovery in this cause. Defendants' design, manufacture and marketing of said child safety seat and the parts attached thereto constituted negligence, which negligence became the proximate cause of injuries of

Jaden Sowell, a minor, and of Plaintiffs' damages, which, again, will be more specifically pleaded upon the completion of necessary discovery.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon trial of the matter Plaintiffs have judgment of and against the Defendants for their compensatory and exemplary damages, for prejudgment interest at the legal rate, for interest on the judgment at the legal rate, for all costs of Court, and for such other and further relief, both general and special, whether at law or in equity, to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

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/s/
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